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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,098	10/27/2000	Frederick S. M. Herz	0635MH-40874	7141
7590	04/23/2004			EXAMINER MAHMOUDI, HASSAN
Melvin A Hunn Hill & Hunn LLP 201 Main Street Suite 1440 Fort Worth, TX 76102			ART UNIT 2175	PAPER NUMBER M
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
	09/699,098	HERZ ET AL.
Examiner	Art Unit	
Tony Mahmoudi	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



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TECHNOLOGY CENTER 2100

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 19-February-2004, claims 1 and 2 are cancelled, and new claim 3 is added per applicant's request. Therefore, claim 3 is presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Semret et al (U.S. Publication No. 2003/0101124 A1.)

As to claim 3, Semret et al teaches a method of allowing access to data (see Abstract, and see paragraph 2) over a distributed data processing system (see paragraph 41), comprising:

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- (a) providing an automated infrastructure for the exchange of information between multiple self-interested parties (see paragraph 87, where “automated” is read on “real-time resource markets”, and “multiple self-interested parties” is read on “buy and sell resources”, and see claim 41);
- (b) providing a trusted server (see paragraph 95, where “trusted” is read on “secured”) with at least one data warehouse for the storage of said information (see paragraph 97, where “data warehouse for storage” is read on “distributed database”);
- (c) associating a price rule with particular data records of said information which establishes a cost of accessing said particular data records (see paragraphs 10, 39-40, and 46), and which controls the access to that data (see paragraphs 11, 34, and 88);
- (d) wherein said price rule enables a data owner associated with said data to specify a different price for different types and amounts of information access (see paragraphs 75, 78, and 87);
- (e) within said trusted server, providing a data processing platform which is accessible to multiple third-party data processing software programs which operate as software agents (see Abstract, and see paragraphs 10, 32, and 45);
- (f) wherein a plurality of seller-side software agents have defined relationships to said price rules and associated data records, and maintain absolute access control to said data records (see paragraphs 10, 32, and 104);
- (g) wherein a plurality of buyer-side software agents have regulated query access to said data processing platform and may request pricing information from said seller-side software agents (see paragraphs 10, 32, 42, and 87);

(h) wherein said plurality of seller-side software agents and said plurality of buyer-side software agents operate as persistent data processing systems which interact with one another repeatedly over time and which thus define a virtual marketplace (see Abstract, and see paragraphs 10, 32, 78, and see claim 43.)

Response to Arguments

4. Applicant's arguments filed on 19-February-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems of data communications and data exchange systems in general:

Patent No.	Issued to	Cited for teaching
US006058379A	Odom et al.	Real-time Network Exchange between Sellers and Buyers.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

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April 14, 2004



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